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## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

05/30/2003

EXAMINER

Ilya Zborovsky  
6 Schoolhouse Way  
Dix Hills, NY 11746

LE, JOHN H

ART UNIT

CLASS-SUBCLASS

2863

702-095000

DATE MAILED: 05/30/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,527	09/04/2001	Arkady Nikitin		2671

TITLE OF INVENTION: METHOD OF DETERMINATION OF TRUE NONLINEARITY OF SCAN ALONG A SELECTED DIRECTION X OR Y IN SCAN MICROSCOPE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$300	\$1600	09/02/2003

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.**

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
Alexandria, Virginia 22313-1450  
Fax (703)746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590                    05/30/2003

Ilya Zborovsky  
6 Schoolhouse Way  
Dix Hills, NY 11746

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

### Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

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09/945,527	09/04/2001	Arkady Nikitin		2671

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nonprovisional	NO	\$1300	\$300	\$1600	09/02/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
LE, JOHN H	2863	702-095000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev. 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent)       individual     corporation or other private group entity     government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee  
 Publication Fee  
 Advance Order - # of Copies \_\_\_\_\_

A check in the amount of the fee(s) is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Commissioner is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)	(Date)
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NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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09/945,527	09/04/2001	Arkady Nikitin		2671
7590	05/30/2003		EXAMINER	
Ilya Zborovsky 6 Schoolhouse Way Dix Hills, NY 11746			LE, JOHN H	
			ART UNIT	PAPER NUMBER
			2863	
			DATE MAILED:	05/30/2003

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The patent term adjustment to date is 27 days. If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the term adjustment will be 27 days.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (<http://pair.uspto.gov>)

Any questions regarding the patent term extension or adjustment determination should be directed to the Office of Patent Legal Administration at (703)305-1383.



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7590	05/30/2003		EXAMINER	LE, JOHN H
Ilya Zborovsky 6 Schoolhouse Way Dix Hills, NY 11746 UNITED STATES			ART UNIT	PAPER NUMBER
			2863	
			DATE MAILED:	05/30/2003

## Notice of Fee Increase on January 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after January 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on January 1, 2003. See Revision of Patent and Trademark Fees for Fiscal Year 2003; Final Rule, 67 Fed. Reg. 70847, 70849 (November 27, 2002).

The current fee schedule is accessible from: <http://www.uspto.gov/main/howtofees.htm>.

If the issue fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due," but not the correct amount in view of the fee increase, a "Notice to Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice to Pay Balance of Issue Fee," if the response to the Notice of Allowance and Fee(s) due form is to be filed on or after January 1, 2003 (or mailed with a certificate of mailing on or after January 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT      PAPER

5

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/945,527	NIKITIN, ARKADY	
	Examiner John H Le	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Applicant's amendment filed 05/06/2003.
2.  The allowed claim(s) is/are 1-11.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a)  The translation of the foreign language provisional application has been received.
6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

## DETAILED ACTION

### ***Response to Amendment***

1. Applicant 's amendment filed 05/06/2003 has been entered and carefully considered.

The abstract has been amended.

The specification has been amended.

Claims 1 and 5 have been amended.

### ***Reasons for Allowance***

2. Claims 1-15 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, none of the prior art of record teaches or suggests the combination of a method of determination of true non-linearity of scan along a selected direction X or Y in scan microscope, wherein calculating of a differential non-linearity of scan along the selected scanning direction in accordance with the expression

$$DNL(I) = \pm \{P'(I)-P(I)\}$$

wherein DNL (I) is a differential non-linearity of scan on a portion of a field of view with number I+1 relative to the portion with number I, P'(I) is an average pitch with number I measured in accordance with the second, shifted one dimensional profile P(I) is an average value of the same pitch with I measured in accordance with the first, initial one dimensional profile, with selecting a plus sign if a displacement was performed

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along the scanning line and minus sign if the test object was displaced opposite to the movement of the probe along the scanning line, with I from 1 to N wherein N is a number of fixed pitches along the line of scanning;

calculated an integrated non-linearity along a whole field of view in accordance with the formula

$$\text{INL}(I+1) = \sum \text{DNL}(k),$$

wherein INL(I+1) is an integral non-linearity of scan on the portion of the field of view with number I+1 , DNU(k) is a differential non-linearity on the portion of the field of view with the number k, and performing summation on all portions on the field of view preceding the portion with number I+1;

calculating a differential non uniformity of the test object in accordance with the expressions

$$\text{DNU}(I) = + \{P(I) - P'(J)\} \text{ and } I=J+1,$$

wherein DNU(I) is a differential non uniformity of the pitch of test object on the portion between the pitch with a number I and the pitch with the number J; P(I) is an average pitch with the number I in the first, initial one dimensional profile, P'(J) is an average pitch with the number J on the second, shifted one dimensional profile, with selection of a plus sign when the displacement was performed along the displacement of the probe and the minus sign where the displacement was performed in an opposite direction; and

calculation of an integrated non uniformity of the test object in accordance with the formula

$$P(l + 1) = P(1) + \sum DNU(k),$$

where  $P(l + 1)$  is a corrected, true value of the pitch with number  $l+1$ ,  $P(1)$  is a base value of the pitch with number 1; and performing summation on all pitches preceding the pitch with the number  $l+1$ . It is these limitations as they are claimed in the combination, which have not been found, taught or suggested in the prior art of record, that make these claims allowable over the prior art.

Regarding claim 5, none of the prior art of record teaches or suggests the combination of a method of determination of true non-linearity of scan along a selected direction X or Y in scan microscope, wherein calculating of differential non-linearity of line scan on a portion of a field of view between two positions  $X$  and  $X + \delta X$  of the selected pair of strips according to the equation

$$DNL(X + \delta X, X) = P' - P$$

wherein  $DNL(X + \delta X, X)$  is a differential scan non-linearity,  $P'$  is a pitch measured on a shift image, and  $P$  is a pitch measured on original, no-shifted image; and calculating an integrated non-linearity of the line scan in accordance with the formula

$$INL(X = \sum \delta X) = \sum DNL(k),$$

wherein  $DNL(k)$  is a differential non-linearity on a portion of a field of view with number  $k$ ,  $INL(X = \sum \delta X)$  is an integrated non-linearity of scan on the portion with  $X$  coordinate equal to a sum of all performed displacements  $X = \sum \delta X$ , and summing in accordance with a number of displacement of the test object in the field of view of the microscope. It is these limitations as they are claimed in the combination, which have

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not been found, taught or suggested in the prior art of record, that make these claims allowable over the prior art.

U.S. Patent No. 5,825,670 merely mentions the non-linearity of development measuring tools on a basis of scanning probe microscopes reaches several percentage points and various ways of indemnification of these errors caused by non-linearity of scanning are considered. '670 fail to determine the contribution of the non-linearity of scan and non-uniformity of test object as now recited in claims 1 and 5 of the present invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Le whose telephone number is (703) 605-4361. The examiner can normally be reached on Monday to Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. John Barlow, can be reached at (703) 308-3126. The facsimile number for Technology Center 2800 is (703) 308-5841.

Application/Control Number: 09/945,527  
Art Unit: 2863

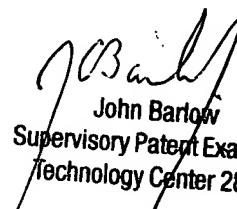
Page 6

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist of the Technology Center whose telephone number is (703) 308-0956.

John H. Le

Patent Examiner-Group 2863

May 28, 2003

  
John Barlow  
Supervisory Patent Examiner  
Technology Center 2800